

ORDINANCE NO. 2002-5

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-197 "SUPPLEMENTAL REGULATIONS" OF CHAPTER 30 "ZONING AND LAND DEVELOPMENT REGULATIONS" OF THE CODE OF ORDINANCES OF KEY BISCAYNE TO REGULATE SIGNAGE ON GOLF CARTS; AMENDING SECTION 30-11 REGARDING THE DEFINITION OF VEHICLE SIGN; AMENDING SECTION 26-23 OF CHAPTER 26 "TRAFFIC AND VEHICLES" TO ADD PARAGRAPH (C) REGARDING PARKING OF GOLF CARTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the regulation of signs on golf carts and golf cart parking is necessary for the public health, safety and welfare; and

WHEREAS, on April 9, 2002, the Village Council, sitting as the Land Planning Agency, reviewed the proposed changes to the golf cart sign regulations of the Zoning and Land Development Regulations; and

WHEREAS, the Village Council has held the required public hearings, duly noticed in accordance with law; and

WHEREAS, the proposed golf cart sign regulations are consistent with the Village of Key Biscayne comprehensive plan.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA:

Section 1. That Section 30-197, "Supplemental Regulations" of Chapter 30 "Zoning and Land Development Regulations" is hereby amended to add the following paragraph (I).

(i) Signs on Golf Carts.

(1) For purposes of this paragraph, a Golf Cart is defined as a motor vehicle designed and manufactured primarily for operation on a golf course for sporting or recreational purposes as defined in Chapter 316.003(68), Florida Statutes.

(2) Signs shall be attached to or painted on the vehicle and located below the roof. One sign per golf cart is permitted with a maximum size of two square feet. The sign shall not be illuminated.

(3) For a Golf Cart sign related to a commercial use, the business which is the subject of the sign shall have a Village of Key Biscayne Occupational License with an office located in a C-1 Light Intensity Commercial District, O-1 Low Intensity Office District, or at a Hotel or Motel.

Section 2. That Section 30-11, "Definitions" of Chapter 30 "Zoning and Land Development Regulations is hereby amended to amend the definition of Sign, Vehicle as follows:

Sign, Vehicle. A sign affixed to or painted on a transportation vehicle, including automobiles, trucks, boats, Trailers, golf carts, and campers, for the purpose of identification or of advertising the commercial use associated with the vehicle.

Section 3. That Section 26-23 "Authorized Use" of Chapter 26 "Traffic and Vehicles" is hereby amended to add paragraph (c) as follows:

(c) Golf carts that are intended to be leased for any amount of time or to be sold shall only be stored on property that has a Main Permitted Use of a Motel, Hotel, or a use involved in the retail sale of gasoline. The storage of the Golf Carts shall not occur within 10 feet of any property line that faces a street. Golf Carts with signs shall be parked only in a C-1 Light Intensity commercial District, O-1 Low Intensity Office District, or at a Hotel or Motel.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code. It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made part of the Code of Key Biscayne, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Penalty. Pursuant to Sec. 1-14 of the Village Code, any person who violates any provision of the Ordinance shall, upon conviction, be punished by a fine not to exceed \$500 or imprisonment in the County jail not to exceed sixty (60) days or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate violation. Pursuant to Section 2-31 et seq. of the Village Code this Ordinance shall be subject to enforcement under the Local Government Code Enforcement Act, Chapter 162, F.S., as amended. Enforcement may also be by suit for declaratory, injunctive or other appropriate relief in a court of competent jurisdiction.

Section 7. That this ordinance shall be in full force and effect upon adoption.

PASSED AND ADOPTED on first reading this 23rd day of April, 2002.

PASSED AND ADOPTED on second reading this 28th day of May, 2002.

MAYOR JOE I. RASCO

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

RICHARD JAY WEISS, VILLAGE ATTORNEY